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DATE September 12, 2008  
PAGES 3VOICE NO. 1 212 408-2524  
FAX NO. 1 212 259-2524  
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Attorney Docket No. 077843.0113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)  
Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS  
Inventors : Paul G. Yock  
For : Angioplasty Apparatus Facilitating Rapid Exchanges

**INTERVIEW SUMMARY****SUBMITTED VIA FAX (571) 273-0100**

Mail Stop: Hatch-Waxman PTE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant acknowledges with appreciation the courtesy extended by Ms. Till during the interview with the undersigned at the U.S. Patent and Trademark Office ("USPTO") on September 3, 2008. In accordance with 37 C.F.R. § 1.2, Applicant summarizes herewith the details of the interview.

The interview was initiated pursuant to the duty of disclosure under 37 C.F.R. § 1.765 to identify the type and scope of information that may be considered material by the USPTO to a determination of entitlement to the extension sought pursuant to 35 U.S.C. § 156 for U.S. Patent No. 5,451,233 ("the '233 Patent"). During the interview, the following topics were discussed:

1. General background of the development, use and regulatory approval of rapid exchange catheters, bare-metal stent systems, and drug eluting stent systems, respectively. In support of this discussion, samples of the MULTI-LINK VISION® Coronary Stent System and the XIENCE™ V Everolimus Eluting

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Coronary Stent System, respectively, were shown.

2. Summary of all prior litigation involving the '233 Patent, including *Advanced Cardiovascular Systems, Inc. v. Medtronic, Inc.* (C.A. No. 95-03577).
3. Medtronic, Inc.'s Notice of Motion and Motion to Modify Injunction after October 29, 2008; Memorandum of Points and Authorities in Support Thereof ("Motion") dated August 15, 2008, as filed in the United States District Court in the Northern District of California.
4. The Citizen's Petition dated August 19, 2008, as filed on behalf of AngioScore, Inc. with the Food and Drug Administration.
5. The USPTO's position regarding the applicable statutes, rules and case law for a patent term extension under 35 U.S.C. § 156 based upon regulatory review of a medical device, as set forth in the letter from the USPTO to the Honorable Howard L. Berman dated February 8, 2008; a copy of which is enclosed for reference.

Although not necessarily material or adverse to any determination of entitlement to the extension sought, Applicant will provide a written summary of topics 1 and 2, as well as a copy of the Motion and corresponding reply by Applicant for topic 3 and the Citizen's Petition and corresponding reply by Applicant for topic 4. These materials will be submitted to the USPTO as soon as practical after the corresponding reply is filed by Applicant.

Date: September 12, 2008

Respectfully submitted,

  
Daniel J. Hulseberg  
Patent Office Reg. No. 36,554

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